

## REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-2, 5-10, 12 and 21 are pending, with claims 1-2, 5, 8-10, and 12 amended, claim 21 added, and claims 3-4, 11, 13-20 cancelled without prejudice or disclaimer by the present amendment. Claims 1 and 8 are independent.

In the Official Action, claims 1-4 and 6-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Holst (U.S. Patent No. 5,315,765); claims 8-9, 11 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tatsumi (U.S. Patent No. 5,172,490); claims 14-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Jeong (U.S. Patent Pub. No. 2004/0060197); claim 5 was rejected under 35 U.S.C. § 103(a) as being obvious in view of Holst; claims 10 and 12 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Tatsumi and Chernetski (U.S. Patent Pub. No. 2004/066303); and claims 1-20 were rejected under the judicially created doctrine of obviousness-type double patenting in view of U.S. Patent No. 6,931,760 and Jeong.

The specification is amended to clarify that the values of Table 1 relate to voltage. Support for this amendment is found in Applicant's originally filed specification. No new matter is added.

Claims 1-2, 5, 8-10, and 12 are amended to more clearly describe and distinctly claim Applicant's invention. Support for this amendment is found in Applicant's originally filed specification.<sup>1</sup> No new matter is added.

In view of cancellation of claims 14-20, the rejections in view of Jeong are moot.

Briefly recapitulating, claim 1 is directed to

A condenser type dryer comprising:

a key input unit configured to enable a user to select a drying course and a degree of dryness;

a humidity detecting unit configured to detect a humidity of objects, which are loaded in a drum to be dried, during a drying cycle; and

a control unit configured to determine a total number of the objects based upon a lowest humidity value detected for a predetermined time and to control a duration of the drying cycle based on the selected drying course, the selected degree of the dryness and the determined total number.

Claim 8 is directed to

A method of controlling a condenser type dryer having a drum and a humidity detecting unit, the method comprising:

selecting a desired drying course and a desired degree of dryness based upon a user drying course input and user degree of dryness input;

detecting a humidity of objects, which are loaded in the drum to be dried, through the humidity detecting unit while a drying cycle is performed;

determining a total number of the objects based upon a lowest humidity value detected for a predetermined time; and

controlling a duration of the drying cycle based on the selected drying course, the selected degree of the dryness and the determined total number.

---

<sup>1</sup> Specification, paragraphs [0041]-[0052]; Fig. 3.

With Applicant's claimed invention,

Holst describes a fabric drying system 10 that includes an exterior housing 11, a control panel 12 and a chamber access door 14. Holst further describes a humidity sensor 112 that serves to communicate air temperature and humidity information to the controller CPU 100 in order to select an optimum schedule for the drying cycle.

However, Holst does not disclose or suggest "a control unit configured to **determine a total number of the objects based upon a lowest humidity value detected for a predetermined time** and to control a duration of the drying cycle based on the selected drying course, the selected degree of the dryness and the determined total number." Similarly, Holst does not disclose or suggest "**determining a total number of the objects based upon a lowest humidity value detected for a predetermined time**; and controlling a duration of the drying cycle based on the selected drying course, the selected degree of the dryness and the determined total number."

Tatsumi describes a clothes dryer in which hot air induced by a heater is circulated from a drying compartment through a heat exchanger for drying clothes. Tatsumi further describes detecting states of clothes to be dried, adjusting a volume of cooling intake air supplied to the heat exchanger, and controlling the intake air volume adjusting means by way of a neurocontrol based on the detected state.

However, Tatsumi does not disclose or suggest "a control unit configured to **determine a total number of the objects based upon a lowest humidity value detected for a predetermined time** and to control a duration of the drying cycle based

on the selected drying course, the selected degree of the dryness and the determined total number." Similarly, Tatsumi does not disclose or suggest **"determining a total number of the objects based upon a lowest humidity value detected for a predetermined time**; and controlling a duration of the drying cycle based on the selected drying course, the selected degree of the dryness and the determined total number."

MPEP § 2131 notes that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also MPEP § 2131.02. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Holst and Tatsumi each do not disclose or suggest all of the features recited in claims 1 and 8, Holst and Tatsumi each do not anticipate the invention recited in claims 1 and 8, and all claims depending therefrom.

Applicant has considered Jeong and Chernetski and submits Jeong and Chernetski do not cure the deficiencies of Holst and Tatsumi. As none of the cited art, individually or in combination, discloses or suggests at least the above-noted features of independent claims 1 and 8, Applicant submits the inventions defined by claims 1 and 8,

and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.<sup>2</sup>

Finally, Applicant submits the double patenting rejection is moot in view of the present amendment.

---

<sup>2</sup> MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest all the claim limitations.

**Conclusion**

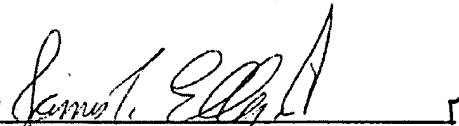
In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael E. Monaco, Reg. No. 52,041, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

**Dated: August 25, 2008**

Respectfully submitted,

By 

James T. Eller, Jr.  
Registration No.: 39,538  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
Attorney for Applicant